

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

JOHN LEO,

Plaintiff,

v.

LD HOLDINGS, INC.  
f/k/a LEISURE DIRECT, Inc. and  
JOHN AYLING,

Defendants.

**Civil Action No.:  
1:06-cv-13566-DAB**

**NOTICE OF MOTION  
TO VACATE JUDGMENT  
AND DISMISS COMPLAINT**

To: Gozov Ofsink, LLC.  
Gregory P. Vidler, Esq. (GV7238)  
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New York, NY 10022  
212.371.8008

**PLEASE TAKE NOTICE** that the undersigned attorney for Defendant LD Holdings Inc. (f/k/a Leisure Direct, Inc.) hereby moves before the United States District Court, Southern District of New York, for an Order to Vacate the Judgment against defendant Leisure Direct Inc. pursuant to F.R.C.P. 60(b)(4) as said judgment is void because the underlying note imposes a rate of interest exceeding 25% per annum, violating New York Penal Law §190.40, and that the note is void *ab initio*, as a matter of law, pursuant to New York G.O.L §5-511, and to Dismiss

Plaintiffs' complaint pursuant to Fed. Rule Civ. Pro, 12(c) with prejudice.

**PLEASE TAKE FURTHER NOTICE** that Defendant LD Holdings Inc. f/k/a Leisure Direct, Inc. will rely on the Brief and Declaration filed in support of this motion identified in the Certificate of Service.

A proposed form of Order is attached.

By: /S/ Mark R. Basile  
Mark R. Basile, Esq. (MB2201)  
**THE BASILE LAW FIRM P.C.**  
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